

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MIRIAM TORRES,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	Civil Action Number:
TOTAL FACILITY SERVICES,	:	1:10-cv-1831 MHS
LLC and IHC BUCKHEAD, LLC,	:	
	:	
	:	
Defendants.	:	

**JOINT MOTION FOR REVIEW AND APPROVAL
OF SETTLEMENT AND RELEASE AGREEMENT**

COME NOW Plaintiff Miriam Torres, Defendant Total Facility Services, LLC, and Defendant IHC Buckhead, LLC and move the Court for a review and approval of the parties' Settlement Agreement and Full and Final Release of All Claims ("Settlement Agreement"). As grounds for this Motion, the parties shows the Court as follows:

1.

Plaintiff filed her Complaint [Doc. 1] on June 15, 2010, alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201, *et seq.* and wrongful deduction of Workers' Compensation premiums. On July 12, 2010, Plaintiff filed

a First Amended Complaint [Doc. 6] substituting Defendant IHC Buckhead, LLC for a Defendant that had been named in the Complaint.

2.

Based upon the understandings and assessments of each party, the parties, acting at arms length and in good faith and with the advice of counsel, have negotiated and entered into a Settlement Agreement. The parties represent that, pursuant to the Settlement Agreement, Plaintiff is receiving 100% of all amounts that could possibly be due to her in this case.

3.

Pursuant to the terms of the parties' agreement, the parties seek judicial approval of the terms of the Settlement Agreement and, in particular, of Plaintiff's release of her FLSA claims.

4.

Once the terms of Paragraph 1 of the Settlement Agreement have been completed, the parties will file a Joint Stipulation of Dismissal of this case with prejudice.

5.

The parties will submit a copy of the Settlement Agreement directly to chambers for the Court's consideration, along with a courtesy copy of this Motion.

6.

The parties further request that this Court retain jurisdiction over this matter until the parties file a Joint Stipulation of Dismissal of this case with prejudice.

WHEREFORE, the Parties respectfully request that this Court review and approve their Settlement Agreement. For the Court's convenience, a proposed Order granting this Motion is attached hereto as Exhibit "A."

Certificate of Font Size

Pursuant to Local Rule 7.1(D), undersigned counsel for the parties certify that this memorandum has been prepared in Times New Roman 14 point, one of the fonts approved in Local Rule 5.1(B).

Respectfully submitted this 22nd day of October, 2010.

/s/ Kevin D. Fitzpatrick, Jr.

Kevin D. Fitzpatrick, Jr.
Georgia Bar No: 262375
3100 Centennial Tower
101 Marietta Street, N. W.
Atlanta, GA 30303
(404) 979-3150
Fax (404) 979-3170
kevin.fitzpatrick@dcnblaw.com

Counsel for Plaintiff

s/ Matthew M. Wilkins

Matthew M. Wilkins
Georgia Bar No. 142291
King & Yalkin, LLC.
840 Roswell Street, SE
Marietta, GA 30360
(770) 424-9235
Fax: (404) 424-9239
mwilkins@kingyaklin.com

Counsel for Defendant Total Facility
Services, LLC

s/ Alex S. Drummond

Alex S. Drummond
Georgia Bar No. 231116
Louisa J. Johnson
Georgia Bar No. 391805
Seyfarth Shaw LLP
1075 Peachtree Street, N.E.
Suite 2500
Atlanta, GA 30309-3962
(404) 885-1500
Fax: (404) 892-7056
adrummond@seyfarth.com
lojohnson@seyfarth.com

Counsel for Defendant
IHC Buckhead, LLC